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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEEP ON KICKING MUSIC, INC., KEEP ON MOVING  
MUSIC, INC., and FREE WORLD MUSIC, LIMITED,

Plaintiffs,

-against-

UMG RECORDINGS, INC., UNIVERSAL MUSIC  
CORPORATION, UNIVERSAL MUSIC GROUP, INC.,  
QUALITY CONTROL MUSIC, LLC, IDALY PUBLISHING,  
INC., KREYOL MUSIC, INC., and MELODIE MAKERS, INC.,

Defendants.

UMG RECORDINGS, INC., UNIVERSAL MUSIC  
CORPORATION, UNIVERSAL MUSIC GROUP, INC., and  
QUALITY CONTROL MUSIC, LLC,

Counterclaim-Crossclaim Plaintiffs,

- against -

KEEP ON KICKING MUSIC, INC., KEEP ON MOVING  
MUSIC, INC., and FREE WORLD MUSIC, LIMITED,

Counterclaim Defendants,

IDALY PUBLISHING, INC., KREYOL MUSIC, INC., and  
MELODIE MAKERS, INC.,

Crossclaim Defendants.

KREYOL MUSIC, INC. and MELODIE MAKERS, INC.,

Third-Party Plaintiffs and  
Counterclaim-Crossclaim Plaintiffs,

- against -

ROBERT MARTINO,

Third-Party Defendant,

KEEP ON KICKING MUSIC, INC., KEEP ON MOVING  
MUSIC, INC., and FREE WORLD MUSIC, LIMITED,

Counterclaim Defendants,

UMG RECORDINGS, INC., UNIVERSAL MUSIC  
CORPORATION, UNIVERSAL MUSIC GROUP, INC.,  
QUALITY CONTROL MUSIC, LLC, and IDALY  
PUBLISHING, INC.,

Crossclaim Defendants.

23-CV-4400 (JPO) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

Since third-party defendant Martino failed to respond to the Third-Party-Complaint by his original due date of October 7, 2024, or within the one-week extension (to October 14, 2024) granted by defendants and third-party plaintiffs Kreyol and Melodie Makers, the Certificate of Default (Dkt. 104) was properly issued by the Clerk on October 17, 2024. If Kreyol and Melodie Makers will not stipulate to vacate the default, Martino must make an application to the Court to set aside the entry of default pursuant to Fed. R. Civ. P. 55(c). He may do so either pro se or through his counsel of record. But he may not do so through an attorney who claims not to represent him in this action. Any application to set aside the entry of default should be accompanied by Martino's proposed answer (or motion to dismiss) or, at a minimum, should propose a date certain for the filing of his answer or motion to dismiss.

Dated: New York, New York  
October 18, 2024

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**